



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Ezra W. Reese  
Perkins Coie LLP  
607 14th St. NW, Suite 800  
Washington, DC 20005

RE: MUR 6026  
Berkley for Congress

Dear Mr. Reese:

On June 25, 2008, the Federal Election Commission notified your clients, Berkley for Congress and Linda L. Goldberg, in her official capacity as Treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On March 4, 2009, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe Berkley for Congress and Linda L. Goldberg, in her official capacity as Treasurer, violated 2 U.S.C. § 441a(a)(1). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files*, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's no reason to believe finding, is enclosed for your information.

If you have any questions, please contact Joshua Smith, the attorney assigned to this matter at (202) 694-1624.

Sincerely,

A handwritten signature in black ink, appearing to read "Ana Peña-Wallace".

Ana Peña-Wallace  
Acting Assistant General Counsel

Enclosure  
Factual and Legal Analysis

200904231180

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**Respondent:** Berkley for Congress and Linda Goldberg,  
in her official capacity as Treasurer

**MUR:** 6026

1           This matter arises from a complaint alleging that Berkley for Congress and Linda  
2 Goldberg, in her official capacity as Treasurer, violated the Federal Election Campaign  
3 Act of 1971, as amended (the "Act") by making excessive contributions to the Nevada  
4 State Democratic Party ("NSDP").

5           According to FEC disclosure reports, Berkley for Congress has contributed  
6 \$415,725.00 to the NSDP since 2006, including \$190,000 in 2008, \$25,000 in 2007, and  
7 \$200,725 in 2006. Since 2002, the first year of contributions, Berkley for Congress has  
8 donated over \$670,000. Representative Berkley, however, did not make any personal  
9 contributions to the NSDP.

10           Under 2 U.S.C. § 439a(a)(4), a candidate's principal committee may transfer  
11 unlimited funds to state or local party committees. *See also* 11 C.F.R. § 113.2(c);  
12 AO 2004-22 (Bercuter for Congress). Therefore, because contributions from Berkley for  
13 Congress were not excessive, there is no reason to believe that Berkley for Congress and  
14 Linda Goldberg, in her official capacity as Treasurer, violated 2 U.S.C. § 441a(a)(1).